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OFFICE OF PETITIONS

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In re Application of :
Werner, et al. :
Application No. 10/585,215 : DECISION ON PETITION
Filed: February 24, 2009 :
Attorney Docket No. 17346-0088 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 21, 2011.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed June 23, 2010. This Notice set a statutory period for reply of three (3) months. No issue having been received, the application became abandoned on September 24, 2010. The Office mailed a Notice of Abandonment on August 31, 2011.

On petition, applicant asserts that he filed the issue fee transmittal form on September 23, 2010. In support thereof, applicant has included *prima facie* evidence of its timely filing by submitting a copy of a facsimile confirmation report, dated September 23, 2010, and showing that 1 page was received by the Office. See MPEP 503. In addition, applicant has provided a copy of the form, bearing a Certificate of Transmission under 37 CFR 1.8, dated September 23, 2010.

In view thereof, **the holding of abandonment is withdrawn.**

As applicant has not provided proof that the issue and publication fees were charged to his deposit account, Deposit Account No. 19-5029 has been charged \$1510 for the issue fee and \$300 for the publication fee, as authorized.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read 'Cliff Congo'.

Cliff Congo
Petitions Attorney
Office of Petitions